

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 16-22 and 24-35 are pending in the application subsequent to entry of this Amendment. The Official Action lists claims 16-35, that is includes claim 23, however this claim was canceled in the Amendment of May 23, 2007.

The current Official Action withdraws the finality of the previous Action and includes rejections under 35 USC §112, first and second paragraphs as well as a continued double patenting rejection.

The Action indicates that claim 23 is withdrawn from consideration. In fact, this claim was previously canceled as explained above.

Responsive to the rejections under 35 USC §112, first and second paragraphs, these rejections are directed to claim 19 only and focuses, according to counsel's understanding of the Official Action, on the expression "via all the positions allowed" in claim 19. Exact basis for this appears in the description of the invention at page 9, line 8.

The expression in concern is superfluous and thus, in order to advance examination of this application, has been deleted from claim 19. This deletion is without disclaimer or prejudice and is made to advance examination. It is counsel's understanding that this Amendment will resolve both of the §112 rejections.

In response to the provisional double patenting rejection, submitted herewith is a Terminal Disclaimer over co-pending application Serial No. 10/501,135.


It is counsel's understanding that these amendments and Disclaimer will place all claims in this application in condition for allowance. If this is not the case or the examiner requires further information, please contact the undersigned.

GIANNESSI et al.
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Respectfully submitted,

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